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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,171	03/12/2001	Michael Waller	9044.00	1047
26889	7590	11/09/2005	EXAMINER	
MICHAEL CHAN NCR CORPORATION 1700 SOUTH PATTERSON BLVD DAYTON, OH 45479-0001			LY, NGH I H	
			ART UNIT	PAPER NUMBER
			2686	

DATE MAILED: 11/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/804,171

Applicant(s)

WALLER ET AL.

Examiner

Nghi H. Ly

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 and 15-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1, 2, 5, 7-9, 11-13, 15-28, 31 and 33-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chern et al (US 6,381,465) in view of Yurkovic (US 6,668,353) and further in view of Tsuda (US 6,233,094).

Regarding claim 1, Chern teaches a method of accessing information on an information network accessible by a mobile communications device (see Abstract), the method comprising: determining a present location of the mobile communication device (column 6, lines 21-23, see "based on the handset location"), and supplying visual

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information (see column 5, lines 53-58 and column 3, lines 59-60) to a user appropriate to that present location (column 6, lines 21-65) from a collection of information being associates with different location (see column 5, lines 56-58).

Chern does not specifically disclose monitoring the location of the device as the location of the device changes: and automatically retrieving the visual information supplied to the user as the location of the device change so that new elements of the collection of information associate with locations in proximity to the location of the device are supplied to the user as the location of the device change.

Yurkovic teaches monitoring the location of the device as the location of the device changes: and automatically retrieving the visual information supplied to the user as the location of the device change so that new elements of the collection of information associate with locations in proximity to the location of the device are supplied to the user as the location of the device change (see column 5, lines 19-28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Yurkovic into the system of Chern so that the a mobile user will be automatically be presented with continuously updated information as the user's current location changes (also Yurkovic, see column 5, lines 19-28).

The combination of Chern and Yurkovic does not specifically disclose determining an orientation of the device and supplying information in accordance with that orientation and automatically retrieving and displaying new visual information to the user as the orientation of the device change so that new elements of the collection of

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information associated with locations in proximity to the location of the device are supplied to the user as the orientation of the device change.

Tsuda teaches determining an orientation of the device and supplying information in accordance with that orientation and automatically retrieving and displaying new visual information to the user as the orientation of the device change so that new elements of the collection of information associated with locations in proximity to the location of the device are supplied to the user as the orientation of the device change (column 5, lines 39-45, see "automatically and alternatively displayed", column 6, lines 50-54, see "azimuth angle" and "in the direction from North, East, South, West", and see column 7, line 30, see "Azimuth angle". In addition, see column 8, lines 44-45, see "in the field of view of each binocular (or in the direction of the other user), *the user can read out those information with viewing the other user*". Tsuda's "in the field of view of each binocular" reads on Applicant's "accordance with that orientation").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Tsuda into the system of Chern so that the user can read out those information with viewing of other user (see Tsuda, column 8, lines 32-45).

Regarding claim 2, the combination of Chern and Yurkovic teaches claim 1. The combination of Chern and Yurkovic does not specifically disclose determination of the orientation of the device includes determination of a geographic orientation of the device.

Tsuda teaches determination of the orientation of the device includes determination of a geographic orientation of the device (see Tsuda, column 5, lines 39-45, see "automatically and alternatively displayed", column 6, lines 50-54, see "azimuth angle" and "in the direction from North, East, South, West", and see column 7, line 30, see "Azimuth angle").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Tsuda into the system of Chern and Yurkovic so that the user can read out those information with viewing of other user (see Tsuda, column 8, lines 32-45).

Regarding claim 5, Chern further teaches the location of the device is determined by a GPS or by triangulation from terrestrial transmitters (see fig.4, GPS 304).

Regarding claim 7, the combination of Chern and Yurkovic teaches claim 1. The combination of Chern and Yurkovic does not specifically disclose the orientation of the device is further determined about a horizontal axis.

Tsuda teaches the orientation of the device is further determined about a horizontal axis (see Tsuda, column 3, lines 11-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Tsuda into the system of Chern and Yurkovic so that the user can read out those information with viewing of other user (see Tsuda, column 8, lines 32-45).

Regarding claim 8, Chern further teaches the device determines its own location and/or orientations or is programmed accordingly by the user or by the network, and

tailors information requested from the network accordingly (column 6, lines 21-23, see "based on the handset location").

Regarding claim 9, Chern further the device looks up stored addresses of information resources, selects resource addresses appropriate to the location and/or orientation of the device, and requests access via the network to information resources at the selected addresses (see column 9, lines 46-50).

Regarding claim 11, the combination of Chern and Yurkovic teaches the method of claims 1 and 26. The combination of Chern and Yurkovic does not specifically disclose the subject is viewed simultaneously with a display of the device that supplies information relating to the subject.

Tsuda teaches the subject is viewed simultaneously with a display of the device that supplies information relating to the subject (see column 8, lines 32-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Tsuda into the system of Chern and Yurkovic so that the user can read out those information with viewing of other user (see Tsuda, column 8, lines 32-45).

Regarding claim 12, Chern further teaches grouping information on the network into channels relating to respective user requirements at a location and selecting among those channels to supply information in accordance with the respective user requirement at that location (see column 16, lines 26-31 and column 6, lines 21-23, see "based on the handset location").

Regarding claim 13, Chern further teaches comprising supplying audio information to the user (see 4, lines 29-35).

Regarding claim 15, the combination of Chern and Yurkovic teaches the method of claims 1 and 26. The combination of Chern and Yurkovic does not specifically disclose the user views a subject such as a building, an object or an attraction and simultaneously receives information relating to the subject from the device.

Tsuda teaches the user views a subject such as a building, an object or an attraction and simultaneously receives information relating to the subject from the device (see Tsuda, column 8, lines 32-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Tsuda into the system of Chern and Yurkovic so that the user can read out those information with viewing of other user (see Tsuda, column 8, lines 32-45).

Regarding claim 16, claim 16 is rejected with a similar reason as set forth in claim 11 above.

Regarding claim 17, the combination of Chern and Yurkovic teaches the method of claims 1 and 26. The combination of Chern and Yurkovic does not specifically disclose the subject is viewed through the display

Tsuda teaches the subject is viewed through the display (see Tsuda, column 8, lines 32-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Tsuda into the system of Chern



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and Yurkovic so that the user can read out those information with viewing of other user (see Tsuda, column 8, lines 32-45).

Regarding claim 18, claim 18 is rejected with a similar reason as set forth in claim 15 above.

Regarding claim 19, the combination of Chern and Yurkovic teaches the method of claims 1 and 26. The combination of Chern and Yurkovic does not specifically disclose the subject is the physical environment visible through the display and wherein the information relating to the subject is a virtual object apparently placed in or otherwise associated with the physical environment at the location of the device.

Tsuda teaches the subject is the physical environment visible through the display and wherein the information relating to the subject is a virtual object apparently placed in or otherwise associated with the physical environment at the location of the device (see Tsuda, column 8, lines 32-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Tsuda into the system of Chern and Yurkovic so that the user can read out those information with viewing of other user (see Tsuda, column 8, lines 32-45).

Regarding claim 20, the combination of Chern, Yurkovic and Tsuda teaches claims 18 and 19 instead of the virtual object is a virtual terminal for the provision of a service or information, such as an ATM. However, using the virtual object is a virtual terminal for the provision of a service or information, such as an ATM is known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination as claimed, in order to improve the virtual object is a virtual terminal for the provision of a service or information, such as an ATM as claimed.

Regarding claim 21, the combination of Chern, Yurkovic and Tsuda teaches claims 18 and 19 instead of the virtual object is a marker that can be activated to access an information deposit. However, using the virtual object is a marker that can be activated to access an information deposit is known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination as claimed, in order to improve the virtual object is a marker that can be activated to access an information deposit as claimed.

Regarding claim 22, the combination of Chern, Yurkovic and Tsuda teaches claims 18 and 19 instead of the deposited information is uploaded from a mobile communications device to the network. However, using the deposited information is uploaded from a mobile communications device to the network is known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination as claimed, in order to improve the deposited information is uploaded from a mobile communications device to the network as claimed.

Regarding claim 23, the combination of Chern, Yurkovic and Tsuda teaches claims 18 and 19 instead of the deposited information is uploaded by another user as

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claimed. However, using the deposited information is uploaded by another user is known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination as claimed, in order to improve the deposited information is uploaded by another user as claimed.

Regarding claim 24, Chern further teaches the supplied information comprises an advertisement (see column 6, lines 26-34).

Regarding claim 25, Chern further teaches the network comprises the Internet or an intranet (see column 8, lines 26-30), and wherein the information is held at URLs being the addresses of information resources on the network (see column 11, lines 37-41).

Regarding claim 26, claim 26 is rejected with a similar reason as set forth in claim 1 above.

Regarding claim 27, claim 27 is rejected with a similar reason as set forth in claim 2 above.

Regarding claim 28, Chern further teaches determining location of the device includes means for cooperating with a GPS or by triangulation terrestrial transmitters to determine location of the device (see fig.4, GPS 304).

Regarding claim 31, claim 31 is rejected with a similar reason as set forth in claim 7 above.

Regarding claim 33, Chern further teaches the location and/or orientation of the device is determined either internally or by programming by the user or by the network,

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and information requested from the network is tailored accordingly (see column 6, lines 21-23).

Regarding claim 34, Chern further teaches the location of the device is determined independently of the device and wherein the network supplies to the device information held at selected resource addresses appropriate to the location of the device (see column 6, lines 21-23 and column 9, lines 46-50).

Regarding claim 35, claim 35 is rejected with a similar reason as set forth in claim 34 above.

Regarding claim 36, claim 36 is rejected with a similar reason as set forth in claim 34 above.

Regarding claim 37, claim 37 is rejected with a similar reason as set forth in claim 12 above.

Regarding claim 38, claim 38 is rejected with a similar reason as set forth in claim 11 above.

Regarding claim 39, claim 39 is rejected with a similar reason as set forth in claim 15 above.

Regarding claim 40, claim 40 is rejected with a similar reason as set forth in claim 19 above.

Regarding claim 41, the combination of Chern, Yurkovic and Tsuda teaches claim 40 instead of accessing a deposit of information marked by the virtual object is known in the art.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination as claimed, in order to improve accessing a deposit of information marked by the virtual object as claimed.

Regarding claim 42, the combination of Chern, Yurkovic and Tsuda teaches claim 40 instead of uploading the deposited information to the network is known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination as claimed, in order to improve uploading the deposited information to the network as claimed.

3. Claims 3, 4, 10, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chern et al (US 6,381,465) in view of Yurkovic (US 6,668,353) and Tsuda (US 6,233,094) and further in view of Kikinis et al (US 6,389,290).

Regarding claim 3, the combination of Chern, Yurkovic and Tsuda teaches claim 1. The combination of Chern, Yurkovic and Tsuda does not specifically disclose the orientation is determined about a vertical axis.

Kikinis teaches the orientation is determined about a vertical axis (see fig.2 box 51, number 5 and column 5, lines 41-61).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Kikinis into the system of Chern, Yurkovic and Tsuda so that user can receive additional direction information.

Regarding claim 4, claim 4 is rejected with a similar reason as set forth in claim 3 above.

Regarding claim 10, Chern further teaches the location of the device is determined independently of the device and wherein the network supplies to the device information held at selected resource addresses appropriate to the location of the device (see column 6, lines 21-23 and column 9, lines 46-50).

Regarding claim 29, the combination of Chern, Yurkovic and Tsuda teaches claim 27. The combination of Chern, Yurkovic and Tsuda does not specifically disclose the orientation is determined about a vertical axis.

Kikinis teaches the orientation is determined about a vertical axis (see fig.2 box 51 number 5 and column 5, lines 41-61).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Kikinis into the system of Chern, Yurkovic and Tsuda so that user can receive additional direction information.

Regarding claim 30, the combination of Chern, Yurkovic and Tsuda teaches claims 26, 27 and 29. The combination of Chern, Yurkovic and Tsuda does not specifically disclose an electronic compass.

Kikinis further teaches an electronic compass (see fig.2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Kikinis into the system of Chern, Yurkovic and Tsuda so that user can receive additional direction information.

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4. Claims 6 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chern et al (US 6,381,465) in view of Yurkovic (US 6,668,353) and Tsuda (US 6,233,094) and further in view of Kikinis et al (US 6,389,290) and Hashimoto (US 6,338,020).

Regarding claim 6, the combination of Chern, Yurkovic, Tsuda and Kikinis teaches claim 1. The combination of Chern, Yurkovic, Tsuda and Kikinis teaches does not specifically disclose the location and/or orientation of the device is further determined by measuring acceleration of the device.

Hashimoto teaches the location and/or orientation of the device is further determined by measuring acceleration of the device (see column 1, lines 40-56 and see column 3, lines 3-11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Hashimoto into the system of Chern, Yukovic, Tsuda and Kikinis so that the position can be obtained from the detected direction and speed data (see Hashimoto, column 3, lines 3-11).

Regarding claim 32, claim 32 is rejected with a similar reason as set forth in claim 6 above.

### ***Response to Arguments***

5. Applicant's arguments filed 09/01/05 have been fully considered but they are not persuasive.

On pages 11 and 12 of applicant's remarks, applicant argues that neither Chern,

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Yurkovic or a combination teaches determining a location of a device and determining an orientation of the device, and supplying visual information to a user appropriate to the location and orientation of the device from a collection of information stored on the information network, various elements of the collection of information being associated with specific locations and monitoring the location of the device as the location of the device changes and automatically retrieve and displaying new visual information to the user as the location or orientation of the device change so that new elements of the collection of information associated with locations in proximity to the location of the device are supplied to the user as the location and orientation of the device change.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Tsuda teaches determining a location of a device and determining an orientation of the device, and supplying visual information to a user appropriate to the location and orientation of the device from a collection of information stored on the information network (Tsuda, column 5, lines 39-45, see "automatically and alternatively displayed", column 6, lines 50-54, see "azimuth angle" and "in the direction from North, East, South, West", and see column 7, line 30, see "Azimuth angle"), various elements of the collection of information being associated with specific locations and monitoring the location of the device as the location of the device changes and automatically retrieve and displaying new visual information to the user as the location or orientation



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of the device change so that new elements of the collection of information associated with locations in proximity to the location of the device are supplied to the user as the location and orientation of the device change (Tsuda, column 5, lines 39-45, see *"automatically and alternatively displayed"*, column 6, lines 50-54, see *"azimuth angle"* and *"in the direction from North, East, South, West"*, and see column 7, line 30, see "Azimuth angle". In addition, see column 8, lines 44-45, see *"in the field of view of each binocular (or in the direction of the other user), the user can read out those information with viewing the other user"*. Tsuda's *"in the field of view of each binocular"* reads on Applicant's "accordance with that orientation"), and the combination of Chern, Yurkovic and Tsuda does indeed teach applicant's claimed invention. In addition, Applicant's attention is directed to the rejection to the teaching of the combination of Chern, Yurkovic and Tsuda in claim 1 above.

On page 12 of applicant's remarks, applicant further argues that none of these uses location information, or other uses of location information taught by Chern.

In response, the combination of Chern indeed teaches (column 6, lines 21-65, see *"the system may provide an automatic warning sound or indication to alert the user entry into a high-crime-rate area"*).

On page 13 of applicant's remarks, applicant argues Chern does not monitor the location of a device so as to provide new information elements associated with locations in proximity to the location of the device as recited in claim 1.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections

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are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Yurkovic teaches monitoring the location of a device so as to provide new information elements associated with locations in proximity to the location of the device (see Yurkovic, column 5, lines 19-28) and the combination of Chern, Yurkovic and Tsuda teaches Applicant's claim 1. In addition, Applicant's attention is directed to the rejection of claim 1 above.

On pages 13, 15 and 16 of applicant's remarks, applicant argues neither Chern nor Yurkovic teaches or makes obvious determining an orientation of a device and displaying information appropriate to a location and orientation of the device, and Tsuda supplies information relating to positions, not orientations.

In response, Tsuda teaches determining an orientation of a device and displaying information appropriate to a location and orientation of the device (column 5, lines 39-45, see "automatically and alternatively displayed", column 6, lines 50-54, see "azimuth angle" and "in the direction from North, East, South, West", and see column 7, line 30, see "Azimuth angle". In addition, column 8, lines 44-45, see "in the field of view of each binocular (or in the direction of the other user), *the user can read out those information with viewing the other user*". Tsuda's "in the field of view of each binocular" reads on Applicant's "accordance with that orientation") and the combination of Chern, Yurkovic and Tsuda teaches Applicant's claimed limitation.

On pages 13 and 15 of applicant's remarks, applicant argues that Tsuda does not teach determining an orientation of a device and provide information in accordance with that orientation and neither Chern nor Yurkovic teaches or makes obvious determining an orientation of a device and displaying information appropriate to a location and orientation of the device.

The examiner, however, disagrees. Tsuda indeed teaches determining an orientation of a device and provide information in accordance with that orientation (column 5, lines 39-45, see "automatically and alternatively displayed", column 6, lines 50-54, see "azimuth angle" and "in the direction from North, East, South, West", and see column 7, line 30, see "Azimuth angle". In addition, column 8, lines 44-45, see "in the field of view of each binocular (or in the direction of the other user), *the user can read out those information with viewing the other user*". Tsuda's "in the field of view of each binocular" reads on Applicant's "accordance with that orientation").

On page 15 of applicant's remarks, applicant argues that "The use of orientation information is not taught by Kikinis, which does not discuss ways of orienting a device or events or conditions relating to the orientation of a device".

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (571) 272-7911. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi H. Ly

  
11/04/05

  
CHARLES APPIAH  
PRIMARY EXAMINER